

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BUTLER,

Plaintiff,

v.

U.S. GOVERNMENT,

Defendant.

Civil Action No. 09-105 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on July 2, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 13], filed on February 9, 2011, recommended that the Plaintiff's case be dismissed for failure to prosecute. Plaintiff was allowed fourteen (14) days from the date of service to file objections and service was made on the Plaintiff by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1st day of March, 2011;

IT IS HEREBY ORDERED that the Plaintiff's case is DISMISSED for failure to prosecute.

The Report and Recommendation [ECF No. 13] of Magistrate Judge Baxter, filed on February 9, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge